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Counsel for Defendant Deandre Marquis Billy Millard

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR-08-00353-001 DLJ
)	
Plaintiff,)	STIPULATION AND []
vs.)	ORDER REGARDING SENTENCE
)	REDUCTION UNDER U.S.S.G. §
DEANDRE MARQUIS BILLY MILLARD,)	1B1.10(b)(1) (AS AMENDED BY 750,
)	PARTS A & C)
Defendant.)	
)	

IT IS HEREBY STIPULATED AND AGREED, by and between the parties acting through their respective counsel, that:

1. The defendant is making an unopposed motion for a modification of his sentence pursuant to 18 U.S.C. § 3582(c)(2).
2. Defendant's original guideline calculation was as follows:
Total Offense Level: 27
Criminal History Category: IV
Guideline Range: 100-125 months
Mandatory Minimum: 60 months
3. Defendant was sentenced to 120 months imprisonment on January 23, 2009.

- 1 4. According to the Bureau of Prisons, defendant's current projected release date is April 4,
2 2017..
- 3 5. Effective November, 1, 2011, defendant is eligible for a modification of his sentence
4 pursuant to 18 U.S.C. § 3582(c), USSG § 1B1.10(b)(1), and Amendment 750, Parts A
5 and C, of the United States Sentencing Guidelines Manual.
- 6 6. Defendant's revised guideline calculation is as follows:
7 Total Offense Level: 25
8 Criminal History Category: IV
9 Guideline Range: 84-105 months
- 10 7. The parties have no reason to dispute the Reduction of Sentence Report submitted to the
11 Court by the probation office.
- 12 8. Based upon the foregoing, the parties hereby stipulate that the Court may enter an order
13 reducing defendant's sentence to 101 months.
- 14 9. The parties further stipulate that all other aspects of the original judgment order including
15 the length of term of supervised release, all conditions of supervision, fines, restitution,
16 and special assessment remain as previously imposed.
- 17 10. Defendant stipulates that he waives and does not request a hearing in this matter pursuant
18 to Fed. R. Crim. P. 43, 18 U.S.C § 3582(c)(2); *United States v. Booker*, 543 U.S. 220
19 (2005) and *Kimbrough v. United States*, 128 S.Ct. 558 (2007).
- 20 11. Defendant waives his right to appeal the district court's sentence.
- 21 12. Accordingly, the parties agree that an amended judgment may be entered by the Court in
22 accordance with this stipulation pursuant to 18 U.S.C. § 3582(c) and USSG §
23 1B1.10(b)(1), Amendment 750, Parts A and C, of the Sentencing Commission Guidelines
24 Manual. The parties agree that a proposed amended judgment will be submitted to the
25 Court by the probation office, along with the Sentencing Reduction Investigation Report.
26

1 IT IS SO STIPULATED:

2 /s/

3 Date: March 6, 2012

4 _____
MICHAEL P. THORMAN
Attorney for defendant

5 /s/

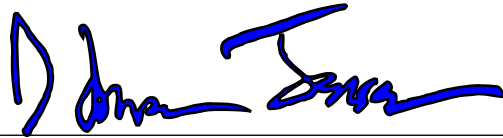
6 Date: March 6, 2012

7 _____
BRIAN J. STRETCH
Assistant United States Attorney

8
9 [] ORDER

10 Upon consideration of the stipulation submitted by the parties, it is hereby ORDERED
11 that the defendant's sentence is reduced to 101 months; and it is further ORDERED that all
12 original conditions of supervision, fines, restitution, and special assessment remain as previously
13 imposed.

14
15 Date: 10/10/12

16 _____

D. LOWELL JENSEN
United States District Judge